IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

OP.No. 36492 of 2001(T)

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PETITIONER:

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K.VASUMATHY AMMA, AGED 67
W/O.LATE S.SUKUMARAN NAIR
KUMBALATH VEEDU, THATTAMALA P.O.
MEVARAM, KOLLAM.

BY ADV. SRI.B.JAYASANKAR

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY SECRETARY DEPARTMENT OF FOREST AND WILD LIFE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. RANGE OFFICER, DEPARTMENT OF FOREST KOLUTHUPUZHA RANGE, KOLLAM.

BY GOVERNMENT PLEADER SRI.C.M.SURESH BABU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP36492/01

ORDER ON C.M.P.NO.59692/01 IN O.P.NO.36492/01

DISMISSED

8.3.2007 SD/- C.N.RAMACHANDRAN NAIR, JUDGE

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: WILL DATED 1.10.1994 BY PETITIONERS HUSBAND SUKUMARAN NAIR.S.

EXT.P2: CERTIFICATE OF ADMINISTRATION DATED 29.1.1999 ISSUED IN FAVOUR OF THE PETITIONER.

EXT.P3: PETITION DATED 8.3.2000 BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT. P4: ORDER NO.9344/B1/97/FOREST BY THE 1ST RESPONDENT.

EXT.P5: ORDER NO.653/B1/99/FOREST BY THE 1ST RESPONDENT.

EXT.P6: PETITION DATED 10.3.2000 SUBMITTED BY THE PETITIONER TO THE CHIEF MINISTER OF KERALA.

EXT. P7: ORDER NO.4617/B1/2000 BY THE 1ST RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

**C.N.RAMACHANDRAN NAIR, J**

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O.P.No.36492 of 2001

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Dated this the 8th day of March, 2007

**JUDGMENT**

Petitioner is the widow of an authorised contractor who was awarded contract for collecting and removing the timber and firewood from the river both embedded and floating. However, the petitioner's husband died before the completion of the work which was awarded in 1996. The prayer is to permit the petitioner to remove the balance timber, if any, left which the petitioner's husband was entitled to remove on payment of balance amount. However, Special Government Pleader reported that contract ended in December 1996 and there is no likelihood of any timber available, even though the counter filed in 2003 says some timber is left. If timber is available, it has to be auctioned and it is open to the petitioner also to participate in the same.

The O.P. is closed as above.

**C.N.RAMACHANDRAN NAIR,**
**JUDGE**

csl